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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,495	10/31/2000	Allen Louis Gorin	112233-CONT 2	8836
26652	7590	02/10/2006	EXAMINER	
AT&T CORP. P.O. BOX 4110 MIDDLETOWN, NJ 07748			PHAN, JOSEPH T	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/699,495

Applicant(s)

GORIN ET AL.

Examiner

Joseph T. Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,7,9-13,15-30,34,36-40 and 42-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,7,9-13,15-30,34,36-40 and 42-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The incorporation of essential material in the specification by reference to a publication that is not to a US Patent or a Published US application is improper.

Applicant is required to amend the disclosure to include the material incorporated by reference, if the material is relied upon to overcome any objection, rejection, or other requirement imposed by the Office. The amendment must be accompanied by a statement executed by the applicant, or a practitioner representing the applicant, stating that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. See 37 CFR 1.57 (c) (f).

It is noted that the claimed limitation of "...generation of meaningful phrases from verbal and non-verbal input" is essential subject matter which needs to conform to US practices as mentioned above.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-3, 7, 9-13, 15-30, 34, 36-40, 42-54 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Independent Claims 1 and 28 recites “a meaningful generator that generates a plurality of meaningful phrases from verbal input and non-verbal input...” which is not described in the specification to enable one skilled in the art to make and/or use the invention.

According to applicant’s remarks filed 07/07/05, applicant states that pages 5 and 6 of the specification teaches the generation of phrases limitation but after reviewing the pages and mentioned incorporated reference(hereinafter Gorin 95), they only mention “determining” and not “generating” phrases from verbal and non-verbal input.

Lines 15-29 on page 5 of the specification only discloses that the system prompts the caller then “receives some input, comprising linguistic and possibly other stimuli, then performs some action” and similarly disclosed in lines 4-10 of page 6.

And as previously mentioned in examiner’s final rejection sent 04/07/05, the incorporated reference Gorin 95 does not enable the “generation of phrases from verbal and non-verbal input”, only a proposal to construct sensory primitive subnetworks.

These citations only enable the step of “determining meaningful phrases from verbal input” and as admitted in applicant’s remarks, the limitation of “determining” is different than “generating”.

Therefore, from only a disclose for “determining...”, one skilled in the art would not be enabled to make and/or use the invention for “generating meaningful phrase from verbal and non-verbal input” Appropriate correction is required.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the

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unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 55 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 5,675,707.

Although the conflicting claims are not identical, they are not patentably distinct from each other because claims in the continuation are broader than the ones in Patent #5,675,707. *In re Van Ornum and Stang*, 214 USPQ T61, broad claims in continuation application are rejected as obvious double patenting over previously patented narrow claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-3, 7,9-13, 15-30, 34, 36-40, 42-55 rejected under 35 U.S.C. 102(b) as being anticipated by Gorin, Patent #5,794,193.**

Regarding claims 1, 28, and 55 Gorin teaches an automated task classification system and routing system that operates on a task objective of a user, comprising:
a meaningful phrase generator that generates a plurality of meaningful phrases from verbal input and non-verbal input, each of the meaningful phrase being generated based on one of a predetermined set of task objectives(*col.3 lines 55-67, as admitted in applicant's remarks filed 07/07/05, the Gorin 95 paper teaches the generation of phrases from verbal and non-verbal input*).

a recognizer that recognizes at least one of the generated meaningful phrases in an input communication of the user; and a task classifier that makes a classification decision in response to the recognized meaningful phrases relating to one of the set of predetermined task objectives(*col.7 lines 13-65*)

Regarding claims 2-3, 7,9-13, 15-27, 29-30, 34, 36-40, and 42-54, Gorin teaches wherein the phrases are expressed in multimodal form, includes inputs from at least one channel, has a mutual information and salience measure above a predetermined threshold(*col.7 lines 13-65*).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 7,9-13, 15-30, 34, 36-40, 42-54 rejected under 35 U.S.C. 103(a) as being unpatentable Strong, Patent #5,384,892 in view of Gorin, A, "On automated language acquisition", J.Acoust. Soc. Am., June 1995 (hereinafter as Gorin Paper).

Regarding claims 1 and 28 Strong teaches teaches an automated task classification system and routing system that operates on a task objective of a user, comprising:

a meaningful phrase generator that generates a plurality of meaningful phrases from verbal input, each of the meaningful phrase being generated based on one of a predetermined set of task objectives(Strong col.5 lines 10-40);

a recognizer that recognizes at least one of the generated meaningful phrases in an input communication of the user; and a task classifier that makes a classification decision in response to the recognized meaningful phrases relating to one of the set of predetermined task objectives(Strong col.5 lines 10-40).

Strong does not expressly disclose using non-verbal input to generate phrases.

Gorin Paper, as admitted by applicant in remarks filed 07/07/05, discloses using non-verbal input to generate phrases(Gorin paper pages 3441, 3443, and 3450).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Strong to include generating phrases using non-verbal input as taught by Gorin paper pages 3443 and 3450.

One of ordinary skill in the art would have been motivated to do this as using verbal and non-verbal input to generate phrases would make automated task

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classification more accurate.

Regarding claims 2-3, 7,9-13, 15-27, 29-30, 34, 36-40, and 42-54, Strong in view of Gorin Paper teaches wherein the phrases are expressed in multimodal form, includes inputs from at least one channel, has a mutual information and salience measure(Gorin Paper pages 3443 and 3450).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 55 rejected under 35 U.S.C. 102(b) as being anticipated by Strong, Patent #5,384,892.

Regarding claim 55, Strong teaches an automated task classification, comprising: a recognizer that recognizes at least one meaningful phrase in an input communication of a user; and a task classifier that makes a classification decision in response to the recognized meaningful phrases relating to one of a set of predetermined task objectives(col.2 lines 26-34 and col.4 lines 61-67).

Response to Arguments

7. Applicant's arguments with respect to claims 1-3, 7,9-13, 15-30, 34, 36-40, 42-55 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T. Phan whose telephone number is (571) 272-7544. The examiner can normally be reached on Mon-Fri 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTP
February 1, 2006



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